

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MAY 19, 2003  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:09 p.m.

Mayor Murphy stated that the ongoing federal Grand Jury investigation must run its course and that we should await the outcome before drawing conclusions.

Council Member Zucchet stated that he will make no further public comment, and cannot respond to any further questions from the media regarding the matter of the ongoing federal Grand Jury investigation, adding that he has directed his staff to follow the same course of conduct.

The meeting was recessed by Mayor Murphy at 2:43 p.m. to convene the Public Budget Hearing. Mayor Murphy reconvened the regular meeting at 7:36 p.m. with Council Member Zucchet not present. Mayor Murphy recessed the meeting at 7:38 p.m. to reconvene the Public Budget Hearing. Mayor Murphy reconvened the regular meeting at 7:48 p.m. with Council Member Zucchet not present. Mayor Murphy adjourned the meeting at 7:51 p.m. into Closed Session at 9:00 a.m. on Tuesday, May 20, 2003 in the twelfth floor conference room to discuss existing and anticipated litigation.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Maland (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Ray Smith of the  
United Missionary Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Casey Gwinn.

ITEM-S400: San Diego Gulls Day.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1382)          ADOPTED AS RESOLUTION R-297959

Recognizing the San Diego Gulls for an impressive and exciting 2002-2003 season  
and for winning their fifth Taylor Cup;

Proclaiming May 19, 2003 to be "San Diego Gulls Day" in the City of San Diego.

FILE LOCATION:          AGENDA

COUNCIL ACTION:          (Time duration: 2:37 p.m. - 2:42 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following  
vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: In the Matter of an Extension of the 90-Day "Good Faith" Negotiating Period Set  
Forth in the 1995 Agreement for the Partial Use and Occupancy of Qualcomm  
Stadium Between the City of San Diego and the San Diego Chargers.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1372)          ADOPTED AS RESOLUTION R-297960

Authorizing and directing the City Manager to execute the Supplement Number  
Three to the Agreement.

**SUPPORTING INFORMATION:**

Under the terms of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm  
Stadium, the San Diego Chargers delivered to the City a "Renegotiation Notice" on

March 4, 2003. The delivery of that notice commenced a 90-day period during which the City and Chargers are required to negotiate in good faith regarding certain terms of the 1995 Agreement. The current 90-day negotiating period will expire on June 2. The City is assessing the validity of the notice, and has not waived its right to contest its validity.

On March 18, 2003, the City Council adopted Resolution No. R-297734 which directed a City negotiating team to meet with the Chargers pursuant to the delivery of the Renegotiation Notice and pursuant to the recommendations set forth in the final report from the Citizens Task Force on Chargers Issues. The proposed extension will permit the City and the Chargers to continue the current discussions within the framework of the "good faith" negotiating process.

The proposed extension is embodied in a Supplement Number Three to the 1995 Agreement, and would extend the current 90-day period to 180 days. If the extension is approved, the negotiating period would expire on August 31, 2003. The City is also continuing its analysis of certain legal issues as directed in Resolution No. R-297734, and the proposed Supplement Number Three does not affect the City's rights under the 1995 Agreement.

Herring/Girard

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 7:37 p.m. - 7:37 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-600: Mary Walshok Day.

**MAYOR MURPHY'S AND COUNCILMEMBER MADAFFER'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1206) ADOPTED AS RESOLUTION R-297955

Recognizing Mary Walshok for her dedicated service on the City of San Diego's Board of Library Commissioners and to our community;

Proclaiming May 19, 2003 to be “Mary Walshok Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. - 2:24 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-601: Bird Rock Elementary School 50<sup>th</sup> Anniversary Week.

**COUNCILMEMBER ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1205) ADOPTED AS RESOLUTION R-297956

Recognizing the 50 years of dedication and exemplary service to promote a positive educational environment in the Bird Rock Community by the Bird Rock Elementary School;

Proclaiming May 19 through 25, 2003 to be “Bird Rock Elementary School 50<sup>th</sup> Anniversary Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:30 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-602: Emergency Medical Services Week.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1287)      ADOPTED AS RESOLUTION R-297957

Proclaiming May 18 through 24, 2003 to be "Emergency Medical Services Week" in the City of San Diego in honor of their significant contributions and service to the people of San Diego.

FILE LOCATION:              AGENDA

COUNCIL ACTION:              (Time duration: 2:31 p.m. - 2:34 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-603: SAY Day at the Bay 2003.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-1338)      ADOPTED AS RESOLUTION R-297958

Recognizing the accomplishments of Social Advocates for Youth, SAY San Diego;

Proclaiming May 19, 2003, to be "SAY Day at the Bay 2003" in the City of San Diego.

FILE LOCATION:              AGENDA

COUNCIL ACTION:              (Time duration: 2:35 p.m. - 2:36 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-604: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

March 31, 2003 Adjourned  
April 21, 2003  
April 22, 2003  
April 22, 2003 Special Joint  
April 28, 2003  
April 29, 2003

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Time duration: 2:18 p.m. - 2:18 p.m.)

MOTION BY INZUNZA TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-605: **REFERRED TO CLOSED SESSION ON TUESDAY, MAY 20, 2003**

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.



Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

**Mayor Murphy closed the Hearing**

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 7:36 p.m. - 7:36 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 7:51 p.m.

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for the Regular Meeting of Monday, May 19, 2003**

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FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Time duration: 7:50 p.m. - 7:51 p.m.)